

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**LASONYA SIMPSON,
on behalf of J.L.B.,**

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner, Social Security
Administration,**

Defendant.

Case No. CIV-08-445-SPS

**OPINION AND ORDER AWARDING
ATTORNEYS' FEES TO THE PLAINTIFF UNDER THE EAJA**

The Plaintiff was the prevailing party in this appeal of the Commissioner of the Social Security Administration's decision denying benefits under the Social Security Act. The Plaintiff seeks an award of attorneys' fees in the amount of \$3,135.20 under the Equal Access to Justice Act, 28 U.S.C. § 2412, and requests that the award be paid directly to her attorney by virtue of an assignment of interest. [Doc. 22, Ex. E]. The Commissioner indicates that he has no objection to an award of \$3,135.20 to the Plaintiff, but *does* object to Plaintiff's request that the award be paid directly to Plaintiff's attorney.

Upon review of the record herein, the Court finds that the payment of fees under the Equal Access to Justice Act are payable directly to the Plaintiff, notwithstanding the assignment of Plaintiff's interest in said fees to Plaintiff's attorney. *See Winslow v. Astrue*, 269 Fed. Appx. 838, 839 (10th Cir. 2008) ("We agree with the district court that

Mr. Winslow's assignment of his right in the fees award to counsel does not overcome the clear EAJA mandate that the award is to him as the prevailing party."). The Court further finds that said amount is reasonable and that the Commissioner should be ordered to pay it to the Plaintiff as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) ("Except as otherwise specifically provided by statute, a court shall award to a prevailing party . . . fees and other expenses . . . incurred by that party in any civil action [.]"). *See also Manning v. Astrue*, 510 F.3d 1246, 1249-50 (10th Cir. 2007), *cert. denied*, ___ U.S. ___, 129 S. Ct. 486, 172 L. Ed. 2d 355 (2008).

Accordingly, Plaintiff's Motion and Brief in Support for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act [Docket No. 22] is hereby GRANTED in part, and the Commissioner is hereby ordered to pay attorneys' fees and costs in the amount of \$3,135.20 to the Plaintiff as the prevailing party herein.

IT IS SO ORDERED this 11th day of June, 2010.



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE